



Nevada State Board of Medical Examiners

*** * * M I N U T E S * * ***

OPEN SESSION BOARD MEETING

Conference Room at the offices of the
NEVADA STATE BOARD OF MEDICAL EXAMINERS
1105 Terminal Way, Suite 301
Reno, Nevada 89502

SATURDAY, FEBRUARY 26, 2000

MEMBERS PRESENT:

Arne D. Rosencrantz, President
Susan S. Buchwald, M.D., Vice President (arrived at 10:00
am)
Paul A. Stewart, M.D., Secretary-Treasurer
Dipak K. Desai, M.D.
Jaculine C. Jones, Ed.D.
Cheryl A. Hug-English, M.D.
Joel N. Lubritz, M.D.
Donald H. Baepler, Ph.D., D.Sc.
Robin L. Titus, M.D.

STAFF PRESENT:

Larry D. Lessly, J.D., Executive Director
Maureen E. Lyons, Deputy Executive Director
Richard J. Legarza, J.D., General Counsel
Robert A. Frantz, Financial Manager
Vicki L. Knopf, Chief Investigator
Rebecca A. Gaul-Richard, Senior License Specialist

ALSO PRESENT:

Leslie A. Nielsen, J.D., Assistant Chief Deputy Attorney
General
Brian T. Kunzi, J.D., Assistant Chief Deputy Attorney
General
Nancy E. Munoz, P.A.-C, Representative, Physician
Assistant Advisory Committee to the Board
F. Victor Rueckl, M.D., President, Nevada Health
Professionals Assistance Foundation
Carol R. Bowers, R.N., C.D., Executive Director, Nevada
Health Professionals Assistance Foundation
Carol A. Clothier, Assistant Vice President, Examination
And Board Action Services, Federation of State Medical
Boards of the United States, Inc.

AGENDA ITEM 1

Call to Order - Arne D. Rosencrantz, President

- Introduction of New Board Member, Robin L. Titus, M.D.
- Announcement of Resignation of Assistant Chief Deputy Attorney General, Leslie A. Nielsen

The meeting was called to order by Arne D. Rosencrantz, President, at 8:30 a.m.

- Introduction of New Board Member, Robin L. Titus, M.D.

Mr. Rosencrantz introduced Dr. Titus and welcomed her to the board. Dr. Titus spoke briefly about her personal and professional background. Dr. Titus was born in Smith Valley, Nevada. She is a graduate of the University of Nevada School of Medicine and is American Board certified in Family Practice and certified by the American Academy of Aviation Medical Examiners and American Association of Medical Review Officers. She has been licensed to practice medicine in Nevada since 1982. She currently serves as Chief of Staff of the South Lyon Medical Center in Yerington and is the Lyon County Health Officer. In addition, Dr. Titus serves as a rural preceptor for the University of Nevada School of Medicine and is the Emergency Medical Director of the Smith Valley Fire District.

- Announcement of Resignation of Assistant Chief Deputy Attorney General, Leslie A. Nielsen

Mr. Rosencrantz announced Ms. Nielsen's resignation as the Deputy Attorney General appointed to the board and presented her with a framed commendation, reading as follows:

COMMENDATION

WHEREAS, Leslie A. Nielsen, J.D., Assistant Chief Deputy Attorney General of the State of Nevada, has served the Nevada State Board of Medical Examiners for some three years as legal counsel to the board; and

WHEREAS, Leslie A. Nielsen, J.D., has served in such capacity with dedication, diplomacy, tact, and courtesy to all; and

WHEREAS, the professional services of Leslie A. Nielsen, J.D., for the board have resulted in favorable court decisions at the state and federal trial and appellate levels; and

WHEREAS, the professional legal advice provided to the board by Leslie A. Nielsen, J.D., has been thorough, well researched, concise, and given with the interests of the board in protecting the public health, safety, and welfare in mind; and

WHEREAS, Leslie A. Nielsen, J.D., performed her professional duties for the board with the utmost loyalty to the board and the board's administration,

NOW, THEREFORE, the Nevada State Board of Medical Examiners hereby proclaims that

LESLIE A. NIELSEN, J.D.

has served as legal counsel to the Nevada State Board of Medical Examiners with distinction, and that her exemplary service to the board, dedication to duty, and concern for the interests of the State of Nevada and its citizens merits the highest commendation.

Dated this 26th day of February, 2000

by _____
Arne D. Rosencrantz, President

Ms. Nielsen thanked the board and introduced the board's newly appointed Deputy Attorney General, Brian T. Kunzi, J.D., who will replace her beginning February 28, 2000. Mr. Kunzi stated that he was raised in Hawthorne, Nevada and was in private practice in Reno prior to his employment with the Attorney General's office.

AGENDA ITEM 11 Informational Reports

- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
- Diversion Program: *Oversight Committee Report* - Paul A. Stewart, M.D., Chairperson
Statistical Report - F. Victor Rueckl, M.D. and Carol Bowers, R.N.,
Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Nancy E. Munoz, P.A.-C, Committee
Representative
- Medical Marijuana Task Force - Dipak K. Desai, M.D., Cheryl A. Hug-English, M.D. and Joel
N. Lubritz, M.D., Board Representatives to Task Force
- **Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer**
Robert A. Frantz, Financial Manager

Mr. Frantz distributed copies of the board's balance sheet as of February 29, 2000 and expenses for July 1999 through February 2000 and reviewed the same for the board. He brought members' particular attention to the board's current investment figures. Mr. Frantz then left the meeting.

AGENDA ITEM 2 Approval of Minutes

- December 4, 1999 Board Meeting - Open/Executive Sessions

Dr. Desai moved to accept the minutes of the December 4, 1999 Board Meeting - Open/Executive Sessions. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 5

Post-Licensure Assessment System Presentation - Carol A. Clothier, Assistant Vice President, Examination and Board Action Services, Federation of State Medical Boards of the United States, Inc.

Mr. Rosencrantz introduced Ms. Clothier who gave a presentation describing the Federation of State Medical Boards of the United States, Inc.'s *Post-Licensure Assessment System*, which system will be up and running within one week's time. Discussion ensued during which Ms. Clothier responded to questions from members regarding the system.

AGENDA ITEM 3

Appointment of Board Member to Nevada Health Professionals Assistance Foundation's Board of Directors - Arne D. Rosencrantz, President

- Frederick E. Kirschner, Sr., Ed.D.

Mr. Rosencrantz stated that as authorized by the board, he has appointed Frederick E. Kirschner, Sr., Ed.D. to the Nevada Health Professionals Assistance Foundation's Board of Directors and introduced him to the board. He referred members to Dr. Kirschner's resume in the agenda book and stated that Dr. Kirschner will be a terrific asset to the board and the foundation. Dr. Kirschner gave a brief overview of his personal and professional background. Mr. Rosencrantz thanked Dr. Kirschner for accepting his appointment.

AGENDA ITEM 10

Petitions for Amendment of Pain Management Regulations Under Chapter 630 of the Nevada Administrative Code

- Weldon E. Havins, M.D., Petitioner, Filed December 14, 1999 and amended January 13, 2000
- Mitchell Miller, M.D. and Marietta Nelson, M.D., Petitioners (Proposing the Adoption by Reference of the "Model Guidelines for the Use of Controlled Substances for the Treatment of Pain" of the Federation of State Medical Boards of the United States, Inc.), Filed January 12, 2000

Mr. Legarza confirmed that members had received the documentation concerning this agenda item and described the points of the petitions filed by Dr. Havins, and Drs. Miller and Nelson. He stated that in his opinion, the board has three options when considering the petitions and described them as follows:

- 1) ... to amend the regulations per the recommendations contained in Dr. Havins' petition, with input from Mr. Legarza and the Nevada State Medical Association;
- 2) ... to revoke the current regulations and adopt by reference the "Model Guidelines for the Use of Controlled Substances for the Treatment of Pain" of the Federation of State Medical Boards of the United States, Inc. per the recommendations contained in Drs. Miller's and Nelson's petition; or
- 3) ... to revoke the current regulations and adopt the regulations in existence prior to the recent amendment.

After some discussion, Dr. Baepler moved to revoke the current regulations and adopt by reference the "Model Guidelines for the Use of Controlled Substances for the Treatment of Pain" of the Federation of State Medical Boards of the United States, Inc. Dr. Lubritz seconded the motion.

Discussion ensued, with Dr. Baepler amending his motion to add that should the adoption by reference of the "Model Guidelines for the Use of Controlled Substances for the Treatment of Pain" of the Federation of State Medical Boards of the United States, Inc. not be permitted under Legislative Council Bureau guidelines, the amended regulations as recommended by Dr. Havins with input from Mr. Legarza and the Nevada State Medical Association, including the removal of the requirement for written consent, be adopted. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 4

Request of Weldon E. Havins, M.D. for Board Advisory Opinion Re: Forms Intended to Comply with Regulations on Pain Management - Richard J. Legarza, J.D., General Counsel

Mr. Legarza advised that the board should not provide an opinion in this matter, as the statutes do not provide for the issuance of advisory opinions in such matters.

Dr. Lubritz moved to deny Weldon E. Havins, M.D.'s request for an advisory opinion regarding forms intended to comply with regulations on pain management. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 6

Consideration of Continuation of Contract with Nevada Broadcaster's Association for the Board's Public Service Announcement Program for the Second Quarter of Year 2000

Mr. Rosencrantz stated that after reviewing the summary reports on the broadcast (air) time the board has received during recent months, he met with Bob Fisher, President of the Nevada Broadcasters Association, to request an improvement in the air time for the board's public service announcements. He advised that Mr. Fisher has promised better results and recommended that the board approve continuing the contract with Nevada Broadcasters Association for another three months beginning April 1, 2000, at \$5,000.00 per month.

Dr. Baepler moved to approve the continuation of the board's contract with Nevada Broadcasters Association for the second quarter of the year 2000 at \$5,000.00 per month, beginning April 1, 2000. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 7

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Chad Reed Niles, M.D., Case No. 99-12312-1

Adjudicating Board Members: Arne D. Rosencrantz, President; Susan S. Buchwald, M.D., Vice President; Paul A. Stewart, M.D., Secretary-Treasurer; Donald H. Baepler, Ph.D.; and Robin L. Titus, M.D.

A court reporter was present to record the open session of this agenda item. Please refer to the court reporter's transcript.

Dr. Buchwald moved to go into Executive Session to deliberate on the counts of the complaint. Dr. Stewart seconded the motion, and it passed unanimously.

Upon returning to Open Session, the adjudicating members of the board found Chad Reed Niles, M.D. guilty of both counts of the complaint.

Dr. Buchwald moved to go into Executive Session to deliberate on the possible sanctions which would be appropriate in this matter. Dr. Stewart seconded the motion, and it passed unanimously.

Upon returning to Open Session, the adjudicating members of the board unanimously voted to issue Dr. Niles a public reprimand, ordered that he perform 40 hours of uncompensated public service in the community in which he currently resides, fined him \$2,000.00 and assessed him the costs of the proceedings against him in the sum of \$8,590.00.

RECESS

The meeting recessed for lunch at 12:10 p.m. and reconvened at 1:00 p.m. Dr. Buchwald left the meeting.

AGENDA ITEM 8

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Glen Douglas Lybbert, M.D., Case No. 99-9808-1

Adjudicating Board Members: Arne D. Rosencrantz, President; Susan S. Buchwald, M.D., Vice President; Paul A. Stewart, M.D., Secretary-Treasurer; Cheryl A. Hug-English, M.D.; Donald H. Baepler, Ph.D.; and Robin L. Titus, M.D.

A court reporter was present to record the open session of this agenda item. Please refer to the court reporter's transcript.

Dr. Hug-English moved to go into Executive Session to consider and discuss a letter submitted by Dr. Lybbert and to deliberate on the counts of the complaint. Dr. Baepler seconded the motion, and it passed unanimously.

Upon returning to Open Session, the adjudicating members of the board found Glen Douglas Lybbert, M.D. guilty of both counts of the complaint.

Dr. Stewart moved to go into Executive Session to deliberate on the possible sanctions which would be appropriate in this matter. Dr. Hug-English seconded the motion, and it passed unanimously.

Upon returning to Open Session, the adjudicating members of the board unanimously voted to revoke the license to practice medicine in the state of Nevada of Glen Douglas Lybbert, M.D.

AGENDA ITEM 9

Adjudication in the Matter of the Nevada State Board of Medical Examiners vs. Efren E. Recto, M.D., Case No. 99-9634-1

Adjudicating Board Members: Arne D. Rosencrantz, President; Susan S. Buchwald, M.D., Vice President; Paul A. Stewart, M.D., Secretary-Treasurer; Cheryl A. Hug-English, M.D.; Donald H. Baepler, Ph.D.; and Robin L. Titus, M.D.

A court reporter was present to record the open session of this agenda item. Please refer to the court reporter's transcript.

Dr. Baepler moved to find Efren E. Recto, M.D. guilty of the single count of the complaint against him.

Dr. Stewart moved to go into Executive Session to deliberate on the count of the complaint. Dr. Hug-English seconded the motion, and it passed unanimously.

Upon returning to Open Session, the adjudicating members of the board voted to find Efren E. Recto, M.D. not guilty of the single count of the complaint against him.

AGENDA ITEM 11

Informational Reports (CONTINUED)

- Secretary-Treasurer - Paul A. Stewart, M.D., Secretary-Treasurer
Robert A. Frantz, Financial Manager
- Diversion Program: *Oversight Committee Report* - Paul A. Stewart, M.D., Chairperson
Statistical Report - F. Victor Rueckl, M.D. and Carol Bowers, R.N.,
Nevada Health Professionals Assistance Foundation
- Physician Assistant Advisory Committee - Nancy E. Munoz, P.A.-C, Committee
Representative
- Medical Marijuana Task Force - Dipak K. Desai, M.D., Cheryl A. Hug-English, M.D. and Joel
N. Lubritz, M.D., Board Representatives to Task Force

**- Diversion Program: *Oversight Committee Report* - Paul A. Stewart, M.D., Chairperson
Statistical Report - F. Victor Rueckl, M.D. and Carol Bowers, R.N.,
Nevada Health Professionals Assistance Foundation**

***Oversight Committee Report* - Paul A. Stewart, M.D., Chairperson**

Dr. Stewart reported that Ms. Bowers has completed evaluations on all 30 southern Nevada participants in the program and has found them to be in compliance with all fee payments current. He added that she will meet with the 28 northern Nevada participants within the next few weeks to ensure their compliance with the terms of their contracts with the program.

He advised that Allan Stipe, CEO of Sunrise Hospital, has offered office space and secretarial support at no cost to the foundation.

Dr. Stewart reported that the board's Investigative Committee met yesterday with a rural participant in the program who was in arrears with payment of program fees and that an acceptable payment schedule was arranged.

He advised that the Investigative Committee, acting as Oversight Committee for the Diversion Program, feels that the program is being run successfully by Ms. Bowers.

***Statistical Report* - F. Victor Rueckl, M.D. and Carol Bowers, R.N.,
Nevada Health Professionals Assistance Foundation**

Dr. Rueckl thanked the Oversight Committee for all of its assistance to date and thanked Mr. Rosencrantz for his appointment of Dr. Kirschner as a member of the foundation's Board of Directors.

He advised that there are currently 12 disruptive physicians under contract with the program, with an increase in this number expected as hospitals throughout the state seem to be growing more interested in the assistance available from the foundation for this type of impairment.

Dr. Rueckl referred members to the distributed copies of the program's statistics as of February 23, 2000. He advised that Ms. Bowers has performed very well during her first frantic five weeks on the job.

Ms. Bowers advised that she has met with most of the hospital administrators in the state and stated that they are supportive of the program. She expressed her appreciation for all of the assistance that Dr. Stewart has provided to her.

- Physician Assistant Advisory Committee - Nancy E. Munoz, P.A.-C, Committee Representative

Ms. Munoz reported that there has recently been some positive dialogue between the physician assistants and nurses concerning the issue of facilitating the employment of physician assistants by hospitals. She reminded members that hospitals are having difficulty keeping physician assistants on staff due to nurses refusing to take orders from physician assistants, as physician assistants are not specifically included in NRS Chapter 632 as practitioners from whom a nurse may take an order. She advised that a possible resolution of the problem may be forthcoming through negotiations between representatives of the two mid-level practitioners.

- Medical Marijuana Task Force - Dipak K. Desai, M.D., Cheryl A. Hug-English, M.D. and Joel N. Lubritz, M.D., Board Representatives to Task Force

The board member representatives to the task force advised that they were not sufficiently or timely notified of the recently held meeting and, therefore, were unable to attend.

Ms. Nielsen reported that she attended the meeting and referred members to the copy of the materials distributed at the meeting in the agenda book.

Mr. Lessly stated that he would talk to Keith W. Macdonald, Executive Secretary of the Nevada State Board of Pharmacy, to ensure that future meetings of the task force are duly noticed to the board's representatives on the task force.

AGENDA ITEM 12

Investigative Committee Report - Paul A. Stewart, M.D., Secretary-Treasurer, Chair

- Request for Closure of Cases

Dr. Stewart reported that the Investigative Committee met yesterday and conducted interviews of four physicians, and that the matters involving three of the physicians will be further investigated. He distributed the cases recommended for closure by the Investigative Committee for members' review and consideration for closure.

AGENDA ITEM 13

Legal Reports - Richard J. Legarza, J.D., General Counsel

- Leslie A. Nielsen, J.D., Assistant Chief Deputy Attorney General

- Board Ordered Terms, Conditions and Probation Status Report

Mr. Legarza stated that all licensees currently on disciplinary probation with the board are in compliance except for one licensee who is currently under investigation. He stated that he had nothing further to report.

Ms. Nielsen reported that:

- 1) . . . oral argument in the case in which Alan J. Mishler, M.D. alleges civil rights violations against the board was held on June 15, 1999 in the Ninth Circuit Court of Appeals. She advised that the Court has since published a decision in favor of the board, resolving all of the federal civil rights violations claims against the board. She added that still unresolved are the state law claims, for which she anticipates her office will file on behalf of the board a motion for summary judgment. She added that Mr. Kunzi will continue the monitoring of this matter;
- 2) . . . oral argument was held on December 16, 1999, in the Nevada Supreme Court appeal of the board's disciplinary order against Harriston L. Bass, M.D., and a decision in the matter should be made within two to three months;
- 3) . . . in the appeal of the petition for judicial review filed by David B. Cohen, M.D., an opening brief was filed by Dr. Cohen at the end of January 2000, and she is preparing an opposing brief in the matter which she will file prior to her departure from the Attorney General's office; and
- 4) . . . the case of Jerry K. Poulsen, who was indicted by the Clark County Grand Jury on eleven felony counts of practicing medicine without a license, has been resolved by plea bargain. She advised that Dr. Poulsen pled guilty to one count of gross misdemeanor practicing medicine without a license and his sentencing was held on January 20, 2000. She stated that Dr. Poulsen was fined and placed on probation, which probation includes the performance of uncompensated community service.

AGENDA ITEM 14

Executive Director's Report - Larry D. Lessly, J.D., Executive Director

- Maureen E. Lyons, Deputy Executive Director

- Approval of New Job Title/Description "Administrative Investigator"
- Approval of Change to Job Description "Administrative Assistant to the General Counsel"
- Approval of Change to Committee Description "Investigative Committee"
- Reports and Requests - Member and Staff Attendance at Workshops, Meetings and Training Sessions
- Administrative Staffing Changes
- Computer Systems Report
- Informational Matters
-
- **Approval of New Job Title/Description "Administrative Investigator"**
- **Approval of Change to Job Description "Administrative Assistant to the General Counsel"**

Mr. Lessly reported that as a result of an administrative reorganization within the Investigative Department, in which the field and administrative investigative duties have been separated, it was necessary that a new job title and description be

drafted. He stated that Mrs. Knopf remains Chief Investigator handling all field investigations, while Mrs. Pawlikowski is now Administrative Investigator handling all administrative investigations. He requested approval of the new Administrative Investigator job title/description as it appears in the agenda book.

Mr. Lessly reviewed for members the changes made to the Administrative Assistant to the General Counsel job description as they appear in the agenda book, and requested approval of the changes as shown.

Dr. Desai moved to approve the new Administrative Investigator job title and description and the changes to the Administrative Assistant to the General Counsel job description as presented. Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Approval of Change to Committee Description "Investigative Committee"

Mr. Lessly reviewed for members the changes made to the Investigative Committee description as it appears in the agenda book, and requested approval of the changes as shown.

Dr. Desai moved to approve the changes to the Investigative Committee description as presented. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

- Reports and Requests - Member and Staff Attendance at Workshops, Meetings and Training Sessions

Mr. Lessly requested attendance for staff at the following workshops, meetings and training sessions:

- 5) ... Federation of State Medical Boards of the United States, Inc.'s Annual Meeting for Mr. Lessly, Mrs. Lyons, Mr. Legarza, Mrs. Gaul-Richard and Ms. Zarubi;
- 6) ... Council on Licensure Enforcement and Regulation's Annual Meeting for Mr. Frantz and Mrs. Gaul-Richard;
- 7) ... Federation of State Medical Boards of the United States, Inc.'s Investigator's Workshop for Mrs. Knopf and Mrs. Pawlikowski;
- 8) ... Federation of State Medical Boards of the United States, Inc.'s Regional Workshop for Mr. Lessly, Mrs. Lyons, Mr. Legarza and Mrs. Knopf;
- 9) ... Federation of State Medical Boards of the United States, Inc.'s Symposium on Medical Licensure for Mr. Lessly; and
- 10) ... International Conference on Medical Registration for Mr. Lessly and Mrs. Lyons.

Dr. Lubritz moved to approve attendance by staff at the workshops, meetings and training sessions as requested. Dr. Baepler seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

Mr. Lessly reported on the recent meeting of the Executive Director Advisory Council to the Federation of State Medical Boards of the United States, Inc., which he attended in Dallas, Texas.

- Administrative Staffing Changes

Mrs. Lyons reported that the employment of Brandie Duncan, Receptionist, was terminated on Friday, January 7, 2000, and Casey Jinks, a temp-to-hire employee through Kelly Services, began a ninety-day contract on Monday, January 10, 2000, as the board's new Receptionist. She added that Casey seems to be conscientious and dependable, and her telephone skills and demeanor are favorable.

- Computer Systems Report

Mrs. Lyons reported that the installation of the new computer hardware was completed this past week, and the software has been successfully up and running since the last week of November. She advised that \$132,000.00 has been spent on software to date, including the data conversion costs, and she estimates that after final payments are made once the warranty period is up in March, that the total software cost should be about \$150,000.00. Mrs. Lyons advised that the cost for the new hardware to date is \$47,000.00, including the purchase of completely new Dell computers for all staff, 3 new HP laser printers and the upgrade to the internet cabling system to a T1 line. Dr. Baepler commented that the final cost of approximately \$200,000 was what had originally been estimated for the computer software/hardware upgrade project.

- Informational Matters

Mr. Lessly advised that:

- 1) ... draft copies of the board's 1999 Annual Report and April 2000 Newsletter will be forwarded to members for review and comment in March 2000;
- 2) ... the board's December 2000 meeting will be held at the Embassy Suites Las Vegas;
- 3) ... staff has been directed to terminate abusive phone calls from the public, physicians applying for licensure, or others;
- 4) ... board members should refrain from giving out licensing information, but should, instead, refer all inquiries to the board office.

AGENDA ITEM 15
Personnel

Executive Session to Discuss Professional Competency of:

- Elizabeth J. Pawlikoski, Investigator

There was no motion made to go into Executive Session, and no discussion was deemed necessary under this agenda item.

Open Session

- Change of Job Title to "Administrative Investigator" for Elizabeth J. Pawlikowski

Mr. Lessly reported that the proposed change in job title for Mrs. Pawlikowski is a lateral move with no required change in salary and requested that the board approve the change of her job title from Investigator to Administrative Investigator.

Dr. Baepler moved to change Mrs. Pawlikowski's job title from Investigator to Administrative Investigator effective immediately. Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 16

Petition for Approval to Allow Simultaneous Collaboration/Supervision of More than Three Advanced Practitioners of Nursing/Physician Assistants per NAC 630.495(2)

- Susan Hsu, M.D.

Dr. Stewart moved to approve Susan Hsu, M.D.'s request to simultaneously collaborate with/supervise more than three advanced practitioners of nursing/physician assistants per NAC 630.495(2). Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 17

Acceptance of Applications for Licensure - Appearances

17 (a) Adegoke Adeyemo, M.D.

Mr. Rosencrantz advised that Adegoke Adeyemo, M.D. withdrew his application for licensure prior to today's meeting.

17 (d) Robert Chancellor, M.D.

Mr. Rosencrantz advised that Robert Chancellor, M.D. withdrew his application for licensure prior to today's meeting.

Dr. Desai moved to go into Executive Session to discuss the character and professional competence of applicants for licensure. The motion was seconded by Dr. Hug-English, and it passed unanimously.

Executive Session

17 (b) Douglas Bertleson, M.D.

Upon returning to Open Session, Dr. Baepler moved to deny Douglas Bertleson, M.D.'s application for licensure per NRS 630.301(3). Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

The board advised Dr. Bertleson that in the future should he decide to re-apply for Nevada medical licensure, he should first resolve any and all disciplinary matters against his license to practice medicine in the state of Arkansas.

17 (e) Thomas Faber, M.D.

Dr. Desai moved to return to Executive Session for the same purposes stated before. Dr. Hug-English seconded the motion, and it passed unanimously.

Upon returning to Open Session, Dr. Stewart moved to accept Thomas Faber, M.D.'s application for licensure with the following conditions:

- 1) ... by December 1, 2000, Dr. Faber must complete the required courses as specified in and completely satisfy his stipulation with the Oregon Board of Medical Examiners;
- 2) ... effective immediately through December 1, 2000, Dr. Faber must provide the board with a quarterly log listing all of the Schedules 2, 3, 4 and 5 drugs he prescribes; and
- 3) ... Dr. Faber must appear before the Investigative Committee in December of 2000 for confirmation that he has complied with these conditions.

Dr. Lubritz seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

17 (c) Duncan Browne, M.D.

Dr. Jones moved to return to Executive Session for the same purposes stated before. Dr. Hug-English seconded the motion, and it passed unanimously.

Upon returning to Open Session, Dr. Baepler moved to accept Duncan Browne, M.D.'s application for licensure with the condition that he enter into a contract with the board's Diversion Program. Dr. Stewart seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 18

Acceptance of Application for Licensure - Non-Appearance

- Joseph Calabrese, M.D.

Dr. Stewart moved to accept Joseph Calabrese, M.D.'s application for licensure. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 19

Petition from Nye County Board of County Commissioners for Waiver to Allow for Restricted County Licensure Pursuant to NRS 630.164 - Non-Appearance

- Frank Toppo, M.D.

Dr. Desai moved to grant the petition from the Nye County Board of County Commissioners for waiver to allow for restricted county licensure pursuant to NRS 630.164 and to approve the application for restricted county licensure of Frank Toppo, M.D. Dr. Hug-English seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 20

Approval of Changes of Licensure Status from Inactive to Active - Non-Appearances

20 (f) Marcia Lu, M.D.

Dr. Baepler moved to accept Marcia Lu, M.D.'s application for change of licensure status from inactive to active. Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

20 (g) Martin Pernoll, M.D.

Dr. Baepler moved to accept Martin Pernoll, M.D.'s application for change of licensure status from inactive to active. Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

20 (h) Kinh Tran, M.D.

Dr. Baepler moved to accept Kinh Tran, M.D.'s application for change of licensure status from inactive to active. Dr. Desai seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 21

Approval of Change of Licensure Status from Retired to Active - **Non-Appearence**

- Harvey Komet, M.D.

Dr. Desai moved to accept Harvey Komet, M.D.'s application for change of licensure status from retired to Active. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 12 (CONTINUED)

Investigative Committee Report - Paul A. Stewart, M.D., Secretary-Treasurer, Chair

- Request for Closure of Cases

Dr. Desai moved to approve the cases recommended for closure by the Investigative Committee. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 22

Ratification of Licenses Issued Since the December 1999 Board Meeting

Dr. Desai moved to ratify the licenses issued since the December 1999 board meeting. Dr. Jones seconded the motion, and it passed unanimously, with the Chair voting in favor of the motion.

AGENDA ITEM 23

Matters for Future Agenda

Mr. Lessly advised that at the board's June 3, 2000 meeting:

- 1) ... a representative from the Federation of State Medical Boards of the United States, Inc. will make the Federation's triennial presentation to the board;
- 2) ... the board's biennial budget will be considered for approval;
- 3) ... the board will review NRS and NAC Chapter 630 and will make a decision to seek or not seek legislation at the next session of the Nevada Legislature; and
- 4) ... staff evaluations and salaries will be acted upon.

AGENDA ITEM 24

Public Comment

There was no public comment.

ADJOURNMENT

Mr. Rosencrantz adjourned the meeting at 4:00 p.m.